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Attorneys for Aquail Harris

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff;

vs.

AQUAIL JAMAR HARRIS

Defendant.

CASE NO.: 2:17-CR-00160-JAD-VCF

**STIPULATION AND PROPOSED
ORDER TO CONTINUE SENTENCING**

(First Request)

Aquail Harris, by and through his counsel of record, Kathleen Bliss, Esq., of the law firm Kathleen Bliss Law PLLC; and the United States of America, by and through Assistant United States Attorney Phillip Smith, and Lisa Gartier-Giroux hereby stipulate and request that the Court vacate Mr. Harris's sentencing hearing currently set for February 26, 2018 and continue it to a later date. This stipulation is made and based upon the following:

1. On November 15, 2017, Mr. Harris entered a plea of guilty to the Indictment charging him with, Interference with Commerce by Robbery, in violation 18 U.S.C. §§ 1951, Use of a Firearm During and in Relation to a Crime of Violence in violation 18 U.S.C §§ 924(c)(1)(A) and Conspiracy to Interfere with Commerce by Robbery, in violation of 18 U.S.C. § 1951.
2. Mr. Harris is in custody pending sentencing, but he does not object to this continuance.

3. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not implicate or undermine the defendant’s speedy trial rights under the United States Constitution. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).
4. This is the first request for a continuance of the sentencing. The additional time requested herein is not sought for purposes of delay.
5. Denial of this request for a continuance would deny counsel for Mr. Harris sufficient time to effectively and thoroughly prepare for sentencing, taking into account due diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of justice.
6. Furthermore, Counsel for Mr. Harris will be in trial in *United States v. Williamson* 2:15-cr-00127, trial is anticipated to last five to seven days. Counsel will be in Pennsylvania for trial in the case of *Commonwealth v. William H. Cosby, Jr.*, CP-46-CR-3932-2016 from March 12th through the middle of April.

Dated this 15th day of February 2018.

/s/ Phillip Smith
 PHILLIP SMITH
 Counsel for the United States

Kathleen Bliss
 KATHLEEN BLISS
 Counsel for Aquail Harris

/s/ Lisa Gartier-Giroux
 LISA GARTIER_GIROUX
 Counsel for the United States

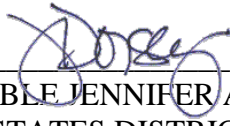
ORDER

Based upon the stipulation of the parties, and good cause appearing, it is hereby ORDERED that Mr. Harris's sentencing hearing currently set for February 26, 2018, be, and the same hereby is, VACATED.

IT IS FURTHER ORDERED that the sentencing hearing is reset for April 30, 2018 at the hour of 11:00 a.m.

IT IS SO ORDERED.

DATED: 2/15/2018



HONORABLE JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE

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